

REMARKS

The characteristic flame retardance of the inventive composition, now recited in Claim 1 finds support in page 1, line 6, and in the working examples. The limitation respecting the absence of phosphorous and halogenated compounds characterizes the embodiment of the presently cancelled Claim 5.

The objection to Claim 4 is believed addressed by the present amendment that corrects a typographical error. Clearly, the formula as corrected is balanced, the examiner is sure to appreciate that the embodiment refers to a calcined version of the hydrotalcite.

The present invention is directed to a polycarbonate molding composition characterized in its improved flame retardance. In the present context, the flammability is determined in accordance with the art-recognized UL94 test using specimens that are 1/8" thick. Polycarbonate in the form of an unfilled, unmodified resin falls short of meeting the stringent demands of this test. It was, therefore, surprising and unexpected that the inventive composition exhibits a rating of V-2. This higher flammability rating is reached without the inclusion in the composition of additional flame retarding agents such as phosphorous and halogenated compounds.

The claims stand rejected under 35 U.S.C. 102(b) as anticipated by URABE (JP 05-239330) in view of evidence in U.S. Patent 4,611,024 (Wolfe).

The standard for anticipation is one of strict identity. To anticipate a claim for a patent, a single prior art document must contain all the essential elements of the claimed invention. In Re Donohue 226 USPQ 619. (emphasis added).

As such, the rejection under Section 102 may not rely on the disclosures of a plurality of documents.

It will be noted that URABE disclosed a polycarbonate composition characterized by its antistaticity, mechanical strength, hydrolysis resistance and coloring flexibility is required to include an alkylsulfonate antistatic agent. It will also be noted that the cited Wolfe disclosed compositions entailing polypropylene having no clear relevance in the present context.

The present amendment, restricting the flame-retardant composition to one that consists essentially of polycarbonate and hydrotalcite, is believed to avoid the URABE document.

Reconsideration and withdrawal of the rejection under Section 102(b) as anticipated by URABE in view of U.S. Patent 4,611,024 are requested.

The claims stand rejected under 35 U.S.C. 102(b) as anticipated by NAKADA (JP 07-062215) in view of evidence in U.S. Patent 4,611,024 (Wolfe).

The stated rejection is predicated on a plurality of documents and is, therefore, untenable for being contrary to the law, see In Re Donohue cited above.

NAKADA disclosed a polycarbonate resin composition having antistatic properties, transparency, thermal stability and metallic corrosion resistance. The composition contains phosphonium sulfonate and hydrotalcite.

As presently amended, the claimed composition excludes phosphorous compounds and thus avoids the NAKADA document.

Reconsideration and withdrawal of the rejection under Section 102(b) as anticipated by NAKADA in view of U.S. Patent 4,611,024 are requested.

Applicants confirm the Examiner's presumption in respect to the ownership of the carious claims and acknowledge the advice respecting their obligation under 37 CFR 1.56.

Claims 1, 2 and 5-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over NOSU (U.S. Patent 6,313,208).

NOSU disclosed a composition resistant to thermal deterioration, the composition containing a synthetic resin and hydrotalcite. Virtually all thermoplastic synthetic resins are said by NOSU to be suitable, including polycarbonate.

There is nothing in the document or in the present record to equate the flame retardance that characterizes the present invention to the "resistance to thermal deterioration" disclosed by NOSU and nothing to suggest that polycarbonate, a single specie among the vast number of disclosed synthetic resins, will exhibit improved flame retardance. As such, it is respectfully submitted that NOSU falls short of the prima facie case and the rejection under Section 103 is untenable.

Reconsideration and withdrawal of the rejection under Section 103 as unpatentable over NOSU are requested.

Claims 3-4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over NOSU in view of either NAKADA or URABE.

Each of the claims at issue recites a chemical representation of a commercially available hydrotalcite. The patentable difference between the present invention and NOSU's is in the subject matter of the respective inventions. As discussed above, NOSU disclosed a composition resistant to thermal deterioration, the invention relating to virtually any synthetic resin. In contrast, and as presently claimed the instant invention is directed to a flame-retardant composition entailing polycarbonate.

As to the combining of NOSU with NAKADA: It is not at all clear why one would be motivated to combine the thermally resistant NOSU composition with NAKADA nor is it clear how this combination that would include phosphonium sulfonate describes the present composition that now excludes such compound.

As to the combining of NOSU with URABE: The results of the combination, even if such were legally motivated, requires the inclusion of an antistatic agent, a component presently excluded.

The rejection of the claims is requested to be reconsidered and withdrawn.

Believing the above represents a complete response to the Office Action and that the application is in condition for allowance, Applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

By



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